

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID PALMER,

Plaintiff,

v.

CIVIL ACTION No.

SAMUAL NASSAN, THE PENNSYLVANIA
STATE POLICE, TERRENCE DONNELLY,
SHEILA LADNER, and THE CITY OF
PITTSBURGH

Defendants.

NOTICE OF REMOVAL

AND NOW come the Defendants, by and through their undersigned counsel, who file this Notice of Removal stating the following:

1. Plaintiff has filed a Complaint and specifically alleges in his Complaint in Paragraphs 27, 36, 45, 53, and 59 violations of his Fourth, Eighth, and Fourteenth Amendment rights pursuant to the United States Constitution. *See* Copy of Pl.'s Compl. attached as Ex. "1".

2. This action is removable pursuant to Section 1441 of the Judicial Code 28 U.S.C. § 1441 because the Complaint asserts claims against the Defendant that arise under the United States Constitution. Therefore, this is a civil action over which the District Court has original jurisdiction under 42 U.S.C. § 1331 and § 1343(a)(3).

3. This Notice is filed within thirty (30) days after the City received a copy of Plaintiff's Complaint which apprised the City of the nature of the claim and is therefore timely filed pursuant to 28 U.S.C. § 1446(b).

4. All Defendants consent to this removal.

WHEREFORE, these Defendants remove this action from the Court of Common Pleas of Allegheny County, Pennsylvania to the United States District Court for the Western District of Pennsylvania in accordance with 28 U.S.C. § 1441, et seq.

Respectfully submitted,

/s/ Michael Kennedy
Michael Kennedy
Assistant City Solicitor
Pa. I.D. #52780

/s/Daniel D. Regan
Daniel D. Regan
City Solicitor
Pa. I.D. #89141

City of Pittsburgh Department of Law
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414 Grant Street
Pittsburgh, PA 15219

(412) 255-2015

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of July, 2010 a true and correct copy of the City of Pittsburgh's Notice of Removal was served via first class U.S. mail, postage prepaid, on the following:

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/s/ Michael Kennedy
Michael Kennedy
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